Remarks/Arguments

In the non-final Office Action dated September 16, 2008, it is noted that: claims 1-20 are pending and claims 1 and 11 are independent.

The Claims have not been amended herein.

Claims 1, 2, 5-8, 10-12, 15-18 and 20 stand rejected under 35 U.S.C. §103(a) as unpatentable Breti et al., US 2005/0152411 (hereinafter "Breti") in view of Bellier et al. US 2002/0194566 (hereinafter Bellier).

Independent claim 1 includes the features of: "a data formatter for receiving the multiplexed bit-stream and for replacing bits of said placeholder bit-stream within the received multiplexed bit-stream with bits derived from said information bit-stream within said received multiplexed bit-stream to form a modified bit-stream."

On page 3 of the Office Action, it is agreed that Breti does not disclose replacing bits of the placeholder bit-stream as particularly claimed. The Office Action points to Bellier elements 130 and 150 and paragraphs 9, 11 and 37.

However, Bellier only describes inserting dummy bits into a coded block in pre-defined bit locations, interleaving, then replacing the dummy bits with bits indicative of signaling messages (for inband signaling, see paragraphs 3-4 and 9-11).

In Bellier, the bits used for inband signaling by replacing the dummy bits are not derived from the information bit-stream within the received multiplexed bit-stream. Bellier provides an example of the signaling bits in the last four sentences of paragraph 37, where they are described as Fast Power Control.

In complete contrast to applicants' claimed invention, Breti is replacing each dummy robust VSB data placeholder byte from the multiplexer 190 with the next corresponding normally order robust VSB data byte from the multiplexer 186.

Also in complete contrast to applicants' claimed invention, Bellier is replacing the dummy bits with bits representing signaling messages (paragraphs 1-11).

Thus, the combination of Breti and Bellier cannot render obvious applicants' claimed features of: "a data formatter for receiving the multiplexed bit-stream and for

replacing bits of said placeholder bit-stream <u>within the received multiplexed bit-stream with bits derived from said information bit-stream within said received multiplexed bit-stream</u> to form a modified bit-stream," (emphasis added) as recited in claim 1.

Both Breti and Bellier are replacing bits with information from a completely different bit stream. Breti and Bellier fail to teach or even suggest all the claimed features, therefore, it is respectfully submitted that the rejection of claim 1 is not supported and should be withdrawn.

Independent claim 11 includes similar features of: "replacing bits of said placeholder bit-stream <u>within the received multiplexed bit-stream with bits derived from said information bit-stream within said received multiplexed bit-stream</u> to form a modified bit-stream," (emphasis added). For at least the same reasons as in claim 1, it is respectfully submitted that the rejection of claim 11, by Breti and Bellier, is not supported and the rejection should be withdrawn.

Claims 2, 5-8, 10, 12, 15-18 and 20 depend from claims 1 or 11 and include at least the above mentioned features of claims 1 or 11. Because these dependent claims include the features of claims 1 or 11, and further distinguishing features, they should likewise be allowed.

Claims 3 and 13 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breti, Bellier in view of Abbott (US 6,438,569). Claims 4 and 14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breti, Bellier in view of Choi et al. (US 2002/0041608). Claims 9 and 19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Breti, Bellier in view of Knutson et al. (US 6,788,710). These rejections are respectfully traversed.

As noted above claims 1 and 11 include features not found in the combination of Breti and Bellier. None of Choi et al., Abbott or Knutson et al. singly or in combination cures the deficiencies in the teaching of Breti and Bellier as noted above. Accordingly, applicants essentially repeat the above arguments from claim 1 pointing out that any combination of Breti, Bellier, Abbot, Choi et al., or Knutson et al. fails to teach or suggest all the claimed features in each dependent claim and they should likewise be allowed.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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